

FILED  
U.S. DISTRICT COURT

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

2009 JUL 15 P 1:52

CENTRAL DIVISION

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

JOHN GALLACHER,

Plaintiff,

vs.

SHARON KISNER and NOLAN OLSEN,

Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:08 CV 845 TC

The court referred this case to Magistrate Judge Paul M. Warner pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). On June 25, 2009, Judge Warner, in a very thorough Report and Recommendation<sup>1</sup>, recommended that this case be DISMISSED under 28 U.S.C. 1915 and that Plaintiff's motions for service of process and appointment of counsel be DENIED.

The parties were given ten days to file objections to the Report and Recommendation and were cautioned that failure to file an objection could constitute waiver thereof upon subsequent review. Plaintiff filed an objection on July 7, 2009<sup>2</sup>. Plaintiff's objection does nothing to cure the infirmities of the complaint.

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<sup>1</sup>(Dkt. 8)

<sup>2</sup>(Dkt. 9)

The court has carefully reviewed the Report and Recommendation in this matter and relevant materials in the file and agrees with the recommendation of the Magistrate Judge. The Report and Recommendation is adopted as the order of the court. Plaintiff's complaint is frivolous and fails to state a claim upon which relief may be granted. Accordingly, Plaintiff's complaint is DISMISSED. Plaintiff's motions for service of process and appointment of counsel are DENIED.

IT IS SO ORDERED THIS 15th day of July, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL  
Chief Judge